

ALEX G. TSE (CABN 152348)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO. 5:18-CR-506-BLF
)	[FILED OCTOBER 11, 2018]
Plaintiff,)	
)	
v.)	
)	
ANTHONY VALDEZ, ET AL.,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	NO. 5:18-CR-612-EJD
)	[FILED DECEMBER 20, 2018]
Plaintiff,)	
)	
v.)	NOTICE OF RELATED CASE IN A CRIMINAL
)	ACTION
JOHN MAGAT,)	
)	
Defendant.)	

The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court that the two above-captioned criminal cases may be related.

The indictment in United States v. Valdez, et al., 5:18-CR-506-BLF, charges criminal racketeering-related offenses, stemming from the defendants' Norteno street gang membership and

1 participation in a “murder squad” with other known and unknown Norteno gang members and associates.
2 The indictment in United States v. John Magat, 5:18-CR-612-EJD, charges a single count of felon in
3 possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1). Though defendant John
4 Magat (5:18-CR-612-EJD) is not yet charged with racketeering-related crimes, the government has reason
5 to believe that defendant Magat is a Norteno gang member, as well as a member of the same “murder
6 squad” – and, thus, believed to be a participant in the conspiracy charged in U.S. v. Valdez (5:18-CR-506-
7 BLF).

8 These cases do not seem to concern the same defendants, nor “the same alleged events,
9 occurrences, transactions or property,” pursuant to Local Criminal Rule 8-1(b)(1). However, these cases
10 may result in “substantial duplication of labor if heard by different Judges,” or create conflicts if conducted
11 before different Judges, pursuant to Local Criminal Rule 8-1(b)(2). At the very least, the government
12 anticipates that facts and evidence related to each case will be used in the sentencing(s) of the other case.
13 Additionally, representation by one attorney in both cases is likely to create a conflict of interests.

14 While it is too early to determine whether the cases may result in *substantial* duplication of labor
15 if heard by different Judges, there is likely to be overlap in facts and evidence, as well as potential conflict
16 in attorney representation. Thus, per the requirement of Local Criminal Rule 8-1(c)(4), government
17 counsel states that assignment of these cases to a single judge is likely to conserve judicial resources and
18 promote an efficient determination of each action.

19 DATED: December 20, 2018

Respectfully submitted,

20 ALEX G. TSE
21 United States Attorney

22 /s/
23 KATHERINE GRIFFIN
24 Assistant United States Attorney
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